

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Development Management

Officer Making the Decision

Head of Governance & HR

Recommendation

That a Section 106 Agreement be signed to secure the following planning obligations under Planning Permission reference P/20/2380/2 Barkby Road, Queniborough, appeal reference APP/X2410/W/23/3316574:

- A scheme for the provision of 40% Affordable housing on the site (tenure mix of 75% Social Rented Dwellings and/or Affordable Rented Dwellings and 25% Shared Ownership Housing and/or First Homes)
- Primary Education contribution of £532,324.00 towards the provision, improvement, remodelling or enhancement of education facilities at Queniborough Church of England Primary School or any other primary school within the locality of the Development
- Special Education contribution £84,672.65 towards special school provision in Leicestershire (primary £35,754.05 and secondary £48,918.60)
- Contributions towards off-site open space as follows:
 - (i) NEAP x 1 contribution of £143,099
 - (ii) Outdoor sports facilities at a cost of £48,247; and
 - (iii) Allotments at a cost of £16,938.
- To provide on site open space in accordance with the On-Site Open Space Scheme, to include:
 - (i) 0.12ha parks;
 - (ii) 0.72 ha natural and semi-natural open space
 - (iii) 0.17ha amenity green space; and
 - (iv) one LEAP on site
- The provision of Travel Packs upon the first occupation of each dwelling (£52.85 per dwelling) at a total cost of £7,927.50
- The provision of 6 month bus passes (two per dwelling) upon the first occupation of each dwelling (£510 x 150 dwellings) per bus pass at a total cost of £153,000
- Appointment of a Travel Plan Co-Ordinator
- A £6,000 contribution towards Travel Plan monitoring
- Raised kerb provision at the nearest two bus stops Syston Road (adjacent Barkby Rd) – 260007805 and at Syston Road

(opposite Avenue Rd) - 260007804 at a cost of £3,500 per stop to support modern bus fleets with low floor capabilities.

- A library facilities contribution of £4,541.40 towards East Goscote Library
- Waste Management contribution of £7,750.50 towards Mountsorrel Household Waste Recycling Centre (HWRC)
- A health care contribution of £79,366.47 towards providing additional capacity at The County Practice and/or Jubilee Medical Practice.
- A Biodiversity Mitigation and Enhancement Scheme to deliver a net gain in biodiversity on site based upon the Biodiversity Impact Assessment score, and if required to provide mitigation off site or pay biodiversity impact compensation contribution.
- The provision of a 10 metre landscape buffer adjacent to the southern boundary of the site to be planted with trees and retained for the lifetime of the development.

The S106 agreement will be required to enable the grant of planning permission through the Appeal process. The Inspector will determine if the obligations meet the CIL Regulation 122 or not and disallow such contributions within the agreement accordingly.

Reason

To allow the appeal to progress following the public inquiry from 13th to 16th June 2023, an agreed S106 agreement is required to be submitted to the Planning Inspectorate by Friday 30th June 2023. The Council and the Appellant agreed some Heads of Terms in the submitted Statement of Common Ground and County matters have been agreed with the County Council. The healthcare contribution and the landscape buffer are not agreed and their inclusion will be determined by the Inspector.

Authority for Decision

A S106 agreement is required to comply with the Plans Committee resolution. Under the Scheme of Delegation to Officers (8.2 Delegation of Council Functions) the Head of Governance and Human Resources has delegation 'to enter into and vary an agreement under Section 106 of the Town and Country Planning Act 1990' (Item 7). The Head of Planning and Growth has delegation to negotiate the heads of terms of section 106 agreements (Item 21).

Decision and Date

Background

The Application P/20/2380/2 'Outline application for up to 150 dwellings, together with new open space, landscaping and drainage infrastructure, with all matters reserved except for access (as amended to include proposed

junction improvement works at Barkby Road cross roads, received 20/05/2022)' was determined by Plans Committee at the meeting of 24th November 2022 and refused for two reasons. The second reason related to the absence of a signed Planning Obligation. The Appellant submitted an appeal on 13th February 2023. A Statement of Common Ground has been agreed with the Appellant, which set out agreed Heads of Terms in paragraph 25. The appeal is being managed by a Public Inquiry which sat from 13th to 16th June 2023 and all inquiry details are available at https://www.charnwood.gov.uk/pages/public_inquiry_queniborough .

Financial Implications

None

Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Applicant doesn't comply with the S106 Agreement	Very Low	Low	Very Low (1 - 2)	Routine monitoring of the S106 Agreement.

Key Decision:

No

Background Papers:

Planning application and appeal ref.

P/20/2380/2

APP/X2410/W/23/3316574